

**Legislation Requiring Further Review, Staff “Watch List” and Legislation
Provided for Information
Board of Supervisors Legislative Committee
February 3, 2023**

Legislation Requiring Further Review

Administration of Government

SB 980 (Marsden) (SRUL) directs the Secretary of Transportation to convene a work group to evaluate how the Department of Transportation determines the usage of Disadvantaged Business Enterprises (DBE) on specific transportation projects with the goal of increasing participation statewide in transportation contracts by small business owned and controlled by socially and economically disadvantaged individuals. The bill specifies certain individuals and groups that will be members of the work group and directs the work group to report its findings and any recommended legislative, regulatory, or policy changes to the Governor and the Chairmen of the House and Senate Committees on Transportation by September 1, 2023. (23100536D)

HB 1688 (Brewer) (HTECH) requires an operator, defined in the bill, to obtain verifiable parental consent prior to registering any child with the operator's product or service or before collecting, using, or disclosing such child's personal data and prohibits a controller from knowingly processing the personal data of a child for purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer. The bill also amends the definition of child for purposes of the Consumer Data Protection Act to include any natural person younger than 18 years of age. (23104153D)

SB 802 (Hashmi) (SFIN) / **HB 1433** (Scott) (HHWI) authorizes Virginia to become a signatory to the Counseling Compact. The Compact permits eligible licensed professional counselors to practice in Compact member states, provided that they are licensed in at least one member state. The bill has a delayed effective date of January 1, 2024, and directs the Board of Counseling to adopt emergency regulations to implement the provisions of the bill. The Compact takes effect when it is enacted by a tenth member state. (23100851D), (23100783D)

Elections

SB 907 (Spruill) (SFIN) adds to the list of protected voters any election official or employee of an election official. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants. The bill also makes it a Class 5 felony to hinder or prevent an election official or employee of an election official from administering elections. Under current law it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. (23104930D-S1)

HB 1683 (Ransone) (Passed House) provides general registrars with the option to post notice of the final day of voter registration on the official website of the county or city or to publish the notice at least once in a newspaper of general circulation in the county or city. (23100444D)

HB 1793 (Ransone) (HPE) provides that customers of the Department of Motor Vehicles shall be presented with the option to have their relevant information transmitted to the Department of Elections for voter registration purposes in accordance with federal law. Currently, this information is transmitted unless the DMV customer specifically declines to have such information transmitted. (23100848D)

HB 2324 (Gordoza) (HPE) directs the State Board of Elections to promulgate standards and instructions for the conduct of recounts in elections for any office to which more than one candidate can be elected. Such standards and instructions shall include which candidates apparently nominated or elected are required to be named in the petition for a recount or served a copy of the petition for a recount. (23103681D)

SB 1431 (Surovell) (SPE) sets out the procedure by which, and clarifies the reasons for which, an elected officer or officer who has been appointed to fill an elective office may be removed from office. The bill requires, among other things, that (i) the general registrar review the petition and determine its sufficiency in accordance with the uniform standards approved by the State Board of Elections; (ii) the general registrar certify the petition within 10 business days and promptly file such certification with the clerk of the circuit court; and (iii) the certification state the number of signatures required, the number of signatures on the petition, and the number of valid signatures, along with any signatures found to be invalid and any material omissions from the petition. The bill also provides that the Commonwealth and the elected officer shall be the only two parties to a removal proceeding. This bill is a recommendation of the Boyd-Graves Conference. (23100264D)

HB 1377 (Greenhalgh) (Passed House) requires general registrars to cancel the voter registration of persons known by him to be deceased or disqualified to vote within seven days of discovering that the person is no longer entitled to be registered. Current law directs registrars to cancel a voter's registration for certain reasons and on the basis of certain information; the bill retains those requirements. (23100521D)

SB 944 (Suetterlein) (SPE) requires the writ of election to fill a vacancy in the membership of the General Assembly (i) to be issued within 30 days of the vacancy or receipt of notification of the vacancy, whichever comes first, and (ii) if the vacancy occurs or will occur between December 10 and March 1, to order that the special election take place no more than 30 days from the date of such vacancy. (23102711D)

Public Safety/Criminal Justice

HB 1813 (March) (HGL) exempts consumer, display, and permissible fireworks, defined in the bill and relevant law, from the definition of "device" as it pertains to criminal penalties for the possession, manufacture, transportation, distribution, or use of explosive devices. The bill provides that the Statewide Fire Prevention Code does not apply (i) to the sale of permissible or consumer

fireworks; (ii) to any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property; or (iii) when such permissible or consumer fireworks are being transported from a locality where they were legally obtained to a locality where they are legally permitted. The bill imposes a 12 percent retail sales and use tax on the sale or use of consumer, display, or permissible fireworks the revenues from which shall be deposited in the Law Enforcement Support Fund, created by the bill. The bill contains technical amendments. (23100227D)

SB 1383 (Stuart) (SJUD) directs the Virginia Fusion Intelligence Center to (i) establish a 24-hour-a-day, seven-day-a-week toll-free Mental Health Crisis Intervention Hotline to receive anonymous tips regarding individuals suspected to be in need of mental health treatment in order to facilitate mental health treatment, crisis intervention, and the prevention of tragedies and (ii) develop and implement policies and procedures for referring tips received through the Hotline to state or local law enforcement, as may be appropriate, in a timely manner for follow-up and investigation. (23101979D)

HB 1835 (Bell) (HCT) removes the location element that specifies a health care provider must be in a hospital or in an emergency room on the premises of a clinic or other facility rendering emergency medical care from the crime of making an oral threat to kill or to do bodily injury to a health care provider. (23103573D)

SB 875 (McDougle) (STRAN) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23103276D)

SB 1010 (DeSteph) (SJUD) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23102779D)

SB 1054 (Peake) (SEH) provides that when an interjurisdictional compact requires criminal history record checks as a condition of participation, the applicable health regulatory board shall require each applicant to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. (23101247D)

HB 1466 (Anderson) (HAG) special provisions involving voluntary anti-forced labor and child slavery certifications for sales of low emissions and electric motor vehicles in the Commonwealth of Virginia; remedies for Attorney General when sufficient supply of EV and LEV vehicles are not available. (23103678D)

SB 842 (Petersen) (Reported from SFIN) provides a petition process for a person serving a sentence for any conviction or a combination of any convictions who remains incarcerated in a state or local correctional facility and meets certain criteria to petition the circuit court that entered the original judgment or order to (i) suspend the unserved portion of such sentence or run the unserved portion of such sentence concurrently with another sentence, (ii) place such person on probation for such time as the court shall determine, or (iii) otherwise modify the sentence imposed. (23103532D)

HB 2400 (Herring) (Passed House) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23104310D-E)

HB 2384 (Adams) (House Floor) removes certain offenses, described in the bill, from the prohibition of searches without a search warrant for the odor of marijuana and establishes a presumption of intoxication if a person has a blood concentration equal to or greater than 0.003 milligrams of delta-9-tetrahydrocannabinol per liter of blood. The bill establishes a process for preliminary analysis of a person's saliva to screen for the presence of drugs in the saliva, similar to the process utilized for a person's blood alcohol content. (23104348D)

HB 2037 (Sewell) (House Floor) requires the governing body of any county or city that elects to supplement the compensation of the public defender or any of his deputies to pay such funds directly to the Indigent Defense Commission, which is required to provide the funds directly to employees in combination with the compensation fixed by the executive director. Current law requires that such funds be provided directly to the employees, with notice to the Commission of the amount of such funds. (23105407D-H1)

HB 2252 (Williams) (HCT) gives supervisory control over the magistrate system to the chief circuit court judge and the Committee on District Courts and abolishes magisterial regions. Under current law, the Executive Secretary of the Supreme Court of Virginia exercises such authority with a provision for consultation with the chief judges of the circuit courts in the region where the appointment is made. (23102323D)

SB 1504 (Petersen) (SJUD) creates an additional process for a person required to register on the Sex Offender and Crimes Against Minors Registry (Registry) to have his name and information removed from the Registry through a removal request form submitted to the Virginia State Police if such person meets the eligibility criteria, defined in the bill. The bill requires the Virginia State Police to remove from the Registry the name of any person and all identifying information within 30 days of receipt of the removal request form upon determining that such person has met the eligibility requirements.

The bill directs the Virginia State Police to develop a form for requesting removal from the Sex Offender Registry and make such form available on its website on or before October 1, 2023; such form shall also include information on how to obtain a criminal history record check, the link to the record check form, the cost of the record check, and the address to which the removal request should be returned. The bill also directs the Virginia State Police shall send a letter by first-class mail notifying every person currently on the Sex Offender Registry of the change in the name removal process on or before October 1, 2023. Current law only allows a person to petition the circuit court in which he was convicted or the circuit court in the jurisdiction where he resides for removal of his name and all identifying information from the Registry after such person is eligible. (23106051D-S1)

Study

SJ 250 (Lucas) (SRUL) directs the Joint Legislative Audit and Review Commission, in conjunction with the Office of the Secretary of Public Safety and Homeland Security and the Office of the Secretary of Health and Human Resources, to conduct a study to determine the feasibility and benefits of transferring responsibility for the Department of Juvenile Justice from the Secretary of Public Safety and Homeland Security to the Secretary of Health and Human Resources. (23102519D)

Transportation

HB 2302 (Adams, L.) (HTRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103984D)

SB 1106 (Newman) (STRAN) requires the Governor to include in the Budget Bill an appropriation of up to \$200 million, limited to \$100 million each year, from the Commonwealth Transportation Fund to maintain a minimum available balance of \$300 million in the Transportation Partnership Opportunity Fund (the Fund). The bill authorizes the Governor to direct funds from the Fund to the Commonwealth Transportation Board for transportation projects determined to be necessary to support major economic development initiatives or to enhance the economic development opportunities of the Commonwealth's transportation programs when recommended by the Secretary of Transportation and Secretary of Commerce and Trade; these directed funds do not have a specified limit. The bill also authorizes the Governor to use funds from the Fund to enhance the economic development opportunities of the Commonwealth's transportation programs. The bill authorizes the use of grants, funds directed to the Board, and revolving loans for property acquisition and new or improved infrastructure to support economic development opportunities of the Commonwealth's transportation programs. The bill removes the requirement for the Governor to provide copies of the guidelines and criteria for awarding grants and loans to the Chairmen of the House Committees on Appropriations, Finance, and Transportation and the Senate Committees on Finance and Appropriations and Transportation. The bill repeals the requirement for the Commonwealth Transportation Board to ensure that projects are not undertaken primarily for economic development purposes. (23103887D)

SB 1145 (McPike) (SFIN) makes various changes to the Underground Utility Damage Prevention Act. The bill (i) requires excavators to review updates in the 811 positive response system and conduct additional safety verifications before digging, (ii) allows an excavator to schedule a locate request 12 days in advance, (iii) grants stop work authority to State Corporation Commission representatives if they encounter a threat to public safety or property, (iv) creates a criminal penalty for any person who knowingly excavates in violation of the Act and fails or refuses to stop work

after being requested to do so, (v) increases from \$2,500 to \$10,000 the maximum civil penalty for violations of the Act, and (vi) updates notification requirements. (23105091D-S1)

Land Use

SB 949 (Petersen) (SLG) removes an exclusion for residential dwellings with fewer than five dwelling units and condominium projects from certain requirements related to a voluntary special assessment lien that secures a loan for the initial acquisition and installation of clean energy, resiliency, or stormwater management improvements. (23101618D)

Stormwater Management

SB 1178 (Lewis) (SACNR) / **HB 2126** (Wilt) (HAG) establishes that with regard to permanent gravel access roads associated with the construction and maintenance of electric transmission lines by a Phase I Utility, such utility is not required to obtain a General Virginia Pollutant Discharge Elimination System permit for the discharge of stormwater from construction activities if certain conditions are met and also requires such utility to provide in its annual standards and specifications reasonable assurance that such conditions will be satisfied. (23102335D), (23106082D-H1)

Environment

HB 2189 (Rasoul) (Reported from HAG) requires industrial users of publicly owned treatment works that receive and clean, repair, refurbish, or process items that contain PFAS, as defined in the bill, to test wastestreams for PFAS prior to and after cleaning, repairing, refurbishing, or processing such items. The bill also requires prompt testing for PFAS following the discharge of certain toxic agents or materials listed in the federal Clean Water Act into state waters and requires the results of such tests to be submitted to the coordinator of emergency services for the affected political subdivision. (23106081D-H1)

SB 1013 (Edwards) (SACNR) Requires a waterworks owner to notify customers when a water quality analysis reveals that perfluoroalkyl and polyfluoroalkyl substances (PFAS chemicals), as defined in the bill, are present in the water supply or when a contaminant in the water supply exceeds maximum contaminant levels established in state or federal regulations, whichever is more stringent. Such notification shall be published in a newspaper of general circulation in the affected area and mailed to all customers. Such published and mailed notifications shall include information regarding the water quality analysis, the contaminant or contaminants, potential adverse health impacts, actions to reduce the level of the contaminant or contaminants, and public contact information for the waterworks. (23105859D-S1)

SB 1152 (Cosgrove) (SACNR) exempts federal government agencies from the provisions of Virginia law and local ordinances relating to wetlands and the Chesapeake Bay Preservation Act. (23106061D-S1)

Health and Human Services

SB 1169 (Hanger) (SEH) modifies and reorganizes provisions related to the requirements of performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities. (23103870D)

SB 1465 (Hanger) (SEH) Provides that the purpose of behavioral health services provided by community services boards and behavioral health authorities is to enable individuals who have a mental illness or substance use disorder that significantly impairs their functioning to access effective, timely, and cost-efficient services that help them (i) overcome or manage functional impairments caused by the mental illness or substance use disorder and (ii) remain in the community to the greatest extent possible, consistent with the individual's well-being and public safety. The bill also requires that performance contracts entered into by the Department of Behavioral Health and Developmental Services with community services boards and behavioral health authorities include certain information, as specified in the bill. The bill reorganizes certain other provisions related to community services boards and behavioral health authorities. (23103868D)

SB 1104 (Boysko) (Passed Senate) directs the Board of Medical Assistance Services to amend the state plan for medical assistance services to include a provision for payment of medical assistance for violence prevention services, defined in the bill, provided by a qualified violence prevention professional to an individual who receives medical treatment for an injury sustained as a result of community violence, defined in the bill, who is determined by a health care provider to be at risk of repeat injury or retaliation. The bill directs the Department of Medical Assistance Services to convene a work group to advise the Board on the design and implementation of the violence prevention services benefit and specifies that the work group include representatives from the Department and violence intervention programs, medical providers, survivors of community violence, and other members as deemed appropriate by the Department. The bill requires the Department to post on its website the date upon which violence prevention services may be provided and billed pursuant to the provisions of the bill. (23104805D-ES1)

SB 1292 (Deeds) (SRUL) provides that the Department of Criminal Justice Services, in partnership with the State Crime Commission, shall administer a two-year Demand Reduction and Safe Harbor for Domestic Minor Sex Trafficked Youth pilot program that shall focus on (i) implementing proactive reverse sting operations that target buyers of sex services and (ii) establishing programs and protocols to aid victims of sex trafficking. The bill provides that the goal of the program shall be to reduce arrest of sex trafficking victims regardless of age, reduce demand for commercial sex exploitation by focusing on buyers, and establish high-quality residential care, education, alternative employment opportunities, and life skills for victims. (23102057D)

SB 1458 (Ebbin) (SRUL) directs the Department of Health Professions to review and adopt regulations regulating the use of supplemental nursing services, defined in the bill, in assisted living facilities. (23102989D)

HB 1446 (Orrock) (HAPP) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23104725D-H1)

HB 1564 (Watts) (HHWI) requires regulations establishing the staffing and care standards in nursing homes to require a minimum number of hours of direct care services to each resident per 24-hour period, which minimum increases in specified phases from 3.5 hours to 4.1 hours. The bill gives the Commissioner of Health the power to impose administrative sanctions on nursing homes and directs the Board of Health to promulgate regulations related to the criteria and procedures for the imposition of administrative sanctions or initiation of court proceedings for violations of the bill. The bill establishes the Long-Term Care Services Fund for the purpose of making grants to assist in the provision of activities that protect or improve the quality of care or quality of life for residents, patients, and consumers of long-term care services. (23101871D)

SB 1339 (Barker) (SHE) sets nursing staffing requirements for certified nursing facilities, imposes administrative sanctions on a certified nursing facility if it does not comply with the staffing requirements, and provides for exemptions to the administrative sanctions under certain circumstances. The bill has a delayed effective date of July 1, 2026. (23101878D)

SB 970 (Mason) (Passed Senate) directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23102876D)

HB 1573 (Walker) (Passed House; SEH) Directs the Department of Health Professions to amend its licensure, certification, and registration applications to remove any existing questions pertaining to mental health conditions and impairment to and include the following questions: (i) Do you have any reason to believe that you would pose a risk to the safety or well-being of your patients or clients?; and (ii) Are you able to perform the essential functions of a practitioner in your area of practice with or without reasonable accommodation? The bill contains an emergency clause. (23103067D-E)

HB 1744 (Carr) (House Floor) provides that home studies conducted by a local board of social services or licensed child-placing agency for the purpose of placing a child in a foster home or with an adoptive family shall, on and after July 1, 2024, be transferable between all localities, local boards, and licensed child-placing agencies within the Commonwealth, subject to any time limitations or other requirements imposed by law or State Board of Social Services regulations. The bill allows the Board to promulgate regulations that establish a market rate for such home studies. The bill also directs the Department of Social Services to convene a work group to study and create, in coordination with all relevant stakeholders, a template to be used for all home studies for these purposes and to report its findings to the Chairmen of the House Committee on Health,

Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2023. (23105093D-H1)

HB 1768 (Head) (Reported from HAPP) requires local departments of social services (local department), when determined necessary by the local multidisciplinary team during the local department's investigation of a report of child abuse or neglect, to facilitate within 14 days an interview of the child by a child advocacy center that is recognized by the National Children's Alliance and located in the locality served by the local department. The bill allows, in cases in which the investigation is being conducted in cooperation with a law-enforcement agency, such interview to be conducted within 21 days. (23106095D-H1)

SB 1096 (Ebbin) (Passed Senate) clarifies that a marriage between two parties is lawful regardless of the sex of such parties, provided that such marriage is not otherwise prohibited by the laws of the Commonwealth. The bill also provides that religious organizations or members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage. (23103930D-E)

HB 2074 (Murphy) (HCT) / **SB 1272** (Boysko) (SJUD) provides that any person charged with a simple assault and battery offense who has been diagnosed by a psychiatrist or clinical psychologist with an autism spectrum disorder, an intellectual disability or developmental disability, or serious mental illness shall not be subject to a mandatory minimum punishment if the court finds that the violation was caused by or had a direct and substantial relationship to the person's disorder or disability. Under current law, certain simple assault and battery offenses carry a mandatory minimum punishment when such offenses are committed against certain groups of people, including judges, law-enforcement officers, first responders, school employees, and health care providers. (23102115D), (23101068D)

HB 1525 (Coyner) (HAPP) / **SB 846** (Favola) (Senate Floor) permits the Department of Behavioral Health and Developmental Services, direct care service providers, and community boards to hire peer recovery specialists who have been convicted of certain barrier crimes where a history of such offense does not pose a risk in the work of a peer recovery specialist. (23105167D-H1), (23105768D-S2)

ABC Licenses

SB 983 (Mason) (SRSS) makes numerous changes to the privileges of and requirements for winery and farm winery licenses. Such changes relate to the characteristics of and tasks to be performed on the licensed premises, license qualifications, manufacturing and sale requirements and limitations, and utilization of contract winemaking services. (23101333D)

Cannabis

SB 1090 (Ebbin) (SEH) increases the limit on the number of permits that the Board of Pharmacy (the Board) may issue or renew in any year from one to two pharmaceutical processors for each health service area established by the Board of Health. The bill also allows the Board to issue or renew permits in any year for up to five cannabis dispensing facilities per pharmaceutical processor

for each health service area. Under current law, the Board may issue up to five cannabis dispensing facilities for each health service area. With the exception of pharmaceutical processors permitted prior to July 1, 2023, the bill prohibits a pharmaceutical processor from receiving more than one permit from the Board. (23101461D)

SB 788 (Favola) (Passed Senate) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23103753D-S1)

SB 1366 (McClellan) (SFIN) establishes a framework for the creation of the Virginia Cannabis Incubator Project in the Commonwealth. The bill creates a regulatory structure for such Incubator Project to be administered by the Virginia Cannabis Control Authority. The bill has a delayed effective date pending legalization of the manufacture, sale, and distribution of cannabis in the Commonwealth. (23103753D-ES1)

SB 1233 (Obenshain) (Passed Senate) makes it a Class 1 misdemeanor to advertise in or send any advertising matter into the Commonwealth regarding marijuana or marijuana products other than those that may be legally sold or to engage in advertising activities in violation of the provisions of the Cannabis Control Act or regulations of the Board of Directors of the Virginia Cannabis Control Authority. The bill provides that for violations of certain distance and zoning restrictions on outdoor advertising, as set forth in the bill, the Board must give the advertiser written notice to take corrective action and that, if such corrective action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor. The bill establishes numerous restrictions on marijuana advertisements, including provisions that prohibit advertisements from (i) targeting minors; (ii) being placed near schools, playgrounds, and certain other places; (iii) being displayed at a sporting event or on a billboard; (iv) being misleading, deceptive, or false; (v) referencing the intoxicating effects of marijuana; or (vi) promoting overconsumption or consumption by minors. (23102671D)

SB 903 (Hanger) (SFIN) establishes provisions for the registration of a retail facility for regulated hemp products, as defined in the bill, establishes product packaging, labeling, and testing requirements for such products, and creates a civil penalty of up to \$1,000 for certain violations relating to such products. The bill requires any person who manufactures an industrial hemp extract, as defined in the bill, or food containing an industrial hemp extract to obtain a permit from the Commissioner of Agriculture and Consumer Services and creates a Class 1 misdemeanor and a civil penalty of up to \$10,000 for certain violations. The bill clarifies that any substances containing a concentration of total tetrahydrocannabinol, as defined in the bill, of more than 0.3 percent, including a hemp product or industrial hemp extract, are included in the definition of marijuana and also clarifies that the definition of marijuana does not include any substance containing tetrahydrocannabinol that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act. The bill increases the civil penalty for certain actions relating to sales of cigarettes and hemp products from \$50 to \$500. The bill also removes tetrahydrocannabinol from the Schedule I list of controlled substances and permits the Board of Pharmacy to schedule, deschedule, or reschedule a tetrahydrocannabinol isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of the bill. (23102827D)

SB 1133 (Ebbin) (SFIN) establishes a framework for the creation of a retail marijuana market in the Commonwealth, which would be administered by the Virginia Cannabis Control Authority. The bill allows the Authority to begin issuing marijuana licenses on July 1, 2024, and allows, beginning July 1, 2023, certain pharmaceutical processors, pending establishment of the retail market, to cultivate, manufacture, and sell cannabis products to persons 21 years of age or older. The bill transitions from the Virginia Department of Agriculture and Consumer Services to the Authority the authority to regulate the testing, labeling, packaging, and advertising of regulated hemp products, as defined in the bill. (23104135D)

HB 1597 (Robinson) (HHWI) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23100578D)

HB 1598 (Robinson) (Reported from HHWI) transfers oversight and administration of the Commonwealth's medical cannabis program from the Board of Pharmacy to the Virginia Cannabis Control Authority. (23106176D-H1)

HB 1846 (Head) (HHWI) allows pharmacists who are employed by a pharmaceutical processor or cannabis dispensing facility to issue written certificates for cannabis products if the pharmacist (i) is acting as the agent of a practitioner, (ii) is acting pursuant to policies established by a practitioner who has contracted with a pharmaceutical processor or cannabis dispensing facility to serve as the medical director of such pharmaceutical processor or cannabis dispensing facility, and (iii) has verified the patient's diagnosis with a practitioner with whom the patient has a bona fide practitioner-patient relationship. The bill amends and adds numerous provisions regarding the Commonwealth's medical marijuana program, including provisions related to recordkeeping, product registration, expiration dates, allowable deviations, dispensing, packing, labeling, and advertising. The bill requires pharmaceutical processors and cannabis dispensing facilities to collect and provide to the Board of Pharmacy by July 1, 2024, data regarding implementation of the bill. The bill also requires the Board of Pharmacy to make certain amendments to its regulations. (23106205D-H1)

HB 2368 (Adams) (Reported from HHWI) requires cannabis product and botanical cannabis labels to be complete, accurate, easily discernable, and uniform among different products and brands and that each label, which shall be included on the product and on the pharmaceutical processor's website, include (i) the product name, (ii) all active and inactive ingredients, (iii) the total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving, (iv) the amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist, (v) information regarding the product's purpose and detailed usage directions, and (vi) child and safety warnings in a conspicuous font. The bill also requires that no less than 50 percent of all cannabis products offered for sale by a pharmaceutical processor or cannabis dispensing facility (a) contain cannabidiol as its primary cannabinoid and (b) have low levels of or no tetrahydrocannabinol. The bill provides that a patient's registered agent shall not be required to register with the Board of Pharmacy when such registered agent is listed on the patient's written certification pursuant to the patient's request and in the discretion of the practitioner based on medical need. The bill also requires that, in the case of cannabis products, the Prescription

Monitoring Program include only the information specified in law, which is amended by the bill. (23104177D)

HB 2369 (Adams) (HHWI) removes the requirement that a cannabis dispensing facility be owned, at least in part, by a pharmaceutical processor and increases from five to 12 the number of cannabis dispensing facility permits the Board of Pharmacy may issue per year in each health service area. (23104246D)

SB 1393 (Lewis) (SFIN) requires the Board of Agriculture and Consumer Services to adopt certain regulations relating to industrial hemp and industrial hemp extracts intended for inhalation, as defined in the bill, that include labeling requirements, batch testing requirements, and tolerances for contaminants of such products. The bill requires any manufacturer of a hemp product, wholesale supplier that sells hemp products, or retail establishment that sells hemp products to register with the Board and pay an annual fee for a license to sell such products and also requires hemp products sold or offered for sale to have certain information included on the label. The bill updates the definition of industrial hemp to match the definition in federal law. (23105778D-S1)

SB 1533 (Deeds) (Reported from SFIN) Allows each pharmaceutical processor that has obtained a permit to operate a pharmaceutical processing facility from the Board of Pharmacy to establish one additional location for the cultivation of cannabis plants, which must be located within the same health service area as the pharmaceutical processing facility. (23104080D)

Courts

SB 841 (Surovell) (SRSS) provides that the membership of a local independent policy board of an alcohol safety action program must include at least one criminal defense attorney who has specialized knowledge in representing persons charged with driving while intoxicated offenses. The bill also provides that any court that has convicted a person of a reckless driving violation in which alcohol was a factor shall have continuing jurisdiction over such person during any period of license revocation related to that conviction for the limited purposes of (i) referring such person to a certified alcohol safety action program; (ii) providing for a restricted driver's license permit for such person; and (iii) imposing terms, conditions, and limitations for actions related to such person's participation in a certified alcohol safety action program and use of the restricted driver's license permit. This bill is a recommendation of the Commission on the Virginia Alcohol Safety Action Program. (23103601D)

SB 783 (Reeves) (Passed Senate) provides that a person whose driver's license has been revoked for multiple convictions of driving while intoxicated may file a petition for the issuance of a restricted driver's license without having to wait for the expiration of three years from the date of his last conviction when such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket. (23103255D)

HB 1959 (Mullin) (Passed House) Provides that if a defendant is ordered to undergo treatment to restore his competency to stand trial and the initial evaluator has found that the defendant has an ongoing and irreversible medical condition causing him to likely remain incompetent for the foreseeable future or that the defendant has been found to be unrestorably incompetent in the past two years, the initial evaluator shall send a report to the court and the court shall proceed with a competency determination. (23100522D)

Firearms

SB 909 (Favola) (SJUD) provides that a person who is prohibited from possessing a firearm because such person is subject to a protective order or has been convicted of an assault and battery of a family or household member may transfer a firearm owned by such prohibited person to any person who is not otherwise prohibited by law from possessing such firearm, provided that such person who is not otherwise prohibited by law from possessing such firearm is 21 years of age or older and does not reside with the person who is subject to the protective order. Under current law, there is no requirement that such transferee cannot be younger than 21 years of age and cannot reside with such prohibited person. The bill also provides that such prohibited person who transfers, sells, or surrenders a firearm pursuant to the provisions of the bill shall inform the clerk of the court of the name and address of the transferee, the federally licensed firearms dealer, or the law-enforcement agency in possession of the firearm. (23102002D)

SB 1192 (Ebbin) (SFIN) prohibits the carrying of certain semi-automatic center-fire rifles, pistols, and shotguns on any public street, road, alley, sidewalk, or public right-of-way or in any public park or any other place of whatever nature that is open to the public. Under current law, the current prohibition on carrying certain shotguns and semi-automatic center-fire rifles and pistols applies to a narrower range of firearms, only in certain localities, and only when such firearms are loaded. (23103857D)

Abortion

SB 1243 (Surovell) (HRUL) provides that no demand for extradition of a person charged with a criminal violation of law of another state shall be recognized by the Governor if such alleged violation involves the receipt of or assistance with reproductive health care services unless the alleged violation would also constitute a criminal offense under the laws of the Commonwealth. The bill adds obtaining, disclosing, selling, or disseminating certain enumerated personal reproductive or sexual health information without the consent of the consumer as a prohibited practice under the Virginia Consumer Protection Act. (23103737D)

HB 1488 (McGuire) (Committee Referral Pending) provides that no agency of the Commonwealth shall enter into any contract with or make any grant of public funds, as defined in the bill, to any entity or any affiliate of any entity that provides abortion services or operates a facility at which abortion services are provided. The bill also repeals provisions authorizing the Board of Health to use state general funds appropriated to the Department of Health to pay the cost of abortions for women who otherwise meet the financial eligibility criteria for services through the state plan for medical assistance services in cases in which (i) a pregnancy occurs as a result of rape or incest that is reported to a law-enforcement or public health agency or (ii) a physician certifies in writing

that he believes the fetus will be born with a gross and totally incapacitating physical deformity or with a gross and totally incapacitating mental deficiency. (23100086D)

SR 87 (Chase) (SEH) recognizes that the right to life begins at conception. (23103683D)

SB 852 (Favola) (SJUD) prohibits the issuance of a search warrant for the search and seizure of a computer, computer network, or other device containing electronic or digital information related to menstrual health data, as defined in the bill. (23102370D)

HB 1954 (Bell) (HCT) provides that any person who kills the fetus of another by an intentional act committed while in the sudden heat of passion upon reasonable provocation is guilty of voluntary manslaughter, which is punishable as a Class 5 felony. The bill also provides that any person who kills the fetus of another accidentally, contrary to the intention of the parties and while engaged in conduct so gross, wanton, and culpable as to show a reckless disregard for human life, is guilty of involuntary manslaughter, which is also punishable as a Class 5 felony. (23100525D)

HB 1795 (Freitas) (HCT) requires every health care provider licensed by the Board of Medicine who attempts to terminate a pregnancy to (i) exercise the same degree of professional skill, care, and diligence to preserve the life and health of a human infant who has been born alive following such attempt as a reasonably diligent and conscientious health care practitioner would render to any other child born alive at the same gestational age and (ii) take all reasonable steps to ensure the immediate transfer of the infant who has been born alive to a hospital for further medical care. A health care provider who fails to comply with the requirements of the bill is guilty of a Class 4 felony and may be subject to disciplinary action by the Board of Medicine. The bill also requires every hospital licensed by the Department of Health to establish a protocol for the treatment and care of a human infant who has been born alive following an attempt to terminate a pregnancy and for the immediate reporting to law enforcement of any failure to provide such required treatment and care. (23100175D)

HB 1999 (Kory) (HCE) sets out statutory protections for an individual's right to access and a health care provider's right to provide contraceptives, contraception, and information related to contraception. The bill prohibits measures that single out and impede access to contraceptives, contraception, or contraception-related information. However, a party may defend against a claim that a measure violates the bill's prohibitions by demonstrating through clear and convincing evidence that the measure significantly advances access to contraceptives, contraception, and information related to contraception and cannot be advanced by a less restrictive alternative measure or action. The Office of the Attorney General, individuals, or health care providers may bring a lawsuit to enforce the provisions of the bill, and localities are not immune from suits for violations. (23100152D)

HB 2270 (Greenhalgh) (HCT) requires physicians and authorized nurse practitioners to follow certain procedures and processes to effect a pregnant woman's informed written consent prior to the performance of an abortion and imposes civil and criminal penalties for violations of certain provisions. (23102087D)

HJ 519 (Herring) (House: Subcommittee recommends passing by indefinitely) provides that every individual has the fundamental right to reproductive freedom and that the right to make and effectuate one's own decisions about all matters related to one's pregnancy cannot be denied, burdened, or otherwise infringed upon by the Commonwealth, unless justified by a compelling state interest and achieved by the least restrictive means. The amendment prohibits the Commonwealth from penalizing, prosecuting, or otherwise taking adverse action against an individual for exercising the individual's right to reproductive freedom or for aiding another individual in the exercise of such right, unless justified by a compelling state interest. (23100027D)

Education

SB 1404 (Barker) (SJUD) renames the School Readiness Committee as the Commission on Early Childhood Care and Education and makes several changes to the Commission, including adjusting its purpose, increasing and adjusting its membership, and establishing eight enumerated powers and duties for the Commission. (23102800D)

SJ 228 (Favola) (SJUD) directs the School Health Services Committee to study the feasibility of implementing the recommendations of the Department of Education relating to standardizing the qualification and training requirements for school personnel, such as school nurses, who administer health services to students in order to improve the equity, consistency, and quality of school health services, including mental health services, provided in public schools in the Commonwealth. (23102121D)

“Watch List”/May Have State Revenue/Policy Implications

Health and Human Services

SB 975 (Peake) (Passed Senate) changes references to certain practitioners in the Code to advanced practice registered nurse in order to align the Code with the professional designations established by the Consensus Model for Advanced Practice Registered Nurses Regulation established by the National Council of State Boards of Nursing. (23102178D-E)

HB 2025 (Roem) (House Floor) requires the Department of Social Services to develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible. The bill requires each school board to ensure that such information sheet is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. The bill also requires each school board to ensure that a fillable free or reduced price meals application is sent home with each such student at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment. (23102018D)

HB 1900 (Hope) (House Floor) modifies the requirements for inspections of services provided by a licensed provider of behavioral health and developmental services. The bill removes the requirement that an inspection is conducted annually and replaces it with a requirement that an inspection is conducted at least once during the licensing period. The bill removes an evaluation of physical facilities where services are provided from the inspection requirements. (HHWI Amendments)

HB 2255 (Hodges) (House Floor) requires the Commissioner of Behavioral Health and Developmental Services to notify a provider of behavioral health and developmental services who is issued a provisional license of any limitations that can be placed on the provider by any other agency of the Commonwealth, including restrictions on reimbursement that may be imposed by the Department of Medical Assistance Services. The bill requires that a consent agreement signed by such provider waiving his right to appeal a provisional license issuance decision outline such potential restrictions on reimbursement and that a copy of the signed consent agreement be provided to the Department of Medical Assistance Services. (23105542D-H1)

SB 1155 (Mason) (Reported from SEH) requires the Commissioner of Behavioral Health and Developmental Services or his authorized agents to make at least at least one unannounced inspection of each service offered by each licensed provider during the licensing period. Current law requires an annual unannounced inspection. The bill also removes the requirement that inspections evaluate the physical facilities in which services are provided. (23105857D-S1)

SB 1043 (McPike) (Passed Senate) requires the Department of Education, in consultation with the Department of Behavioral Health and Developmental Services, to develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider. The bill requires the memorandum of understanding to be available to each school board no later than the beginning of the 2023 - 2024 school year. The bill also permits, in order to fill vacant school psychologist positions, any local school board to employ, under a provisional license issued by the Department of Education for three school years with an allowance for an additional two-year extension, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment. Finally, the bill defines the terms "direct counseling" and "program planning and school support" for the purpose of the provision of law that requires each school counselor to spend at least 80 percent of his staff time during normal school hours in the direct counseling of individual students or groups of students. (23105161D-ES1)

SB 1170 (Reported from Hanger) (SEH) clarifies the duty of all agencies, as defined in the bill, and political subdivisions of the Commonwealth and certain other entities to cooperate with and assist the Behavioral Health Commission in the performance of its duties and requires such agencies, political subdivisions, and other entities to, upon request, provide to the Commission certain information and facility access. The bill also excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act records of the Commission. (23106037D-S1)

SB 1219 (Mason) (Passed Senate) allows local boards of social services and child-placing agencies to approve as a kinship foster parent an applicant who has been convicted of possessing a Schedule I or Schedule II controlled substance, provided that (i) the offense did not involve possession of heroin, fentanyl, or methylenedioxy-methamphetamine, (ii) five years have elapsed from the date of the conviction, and (iii) the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child. Under current law, such applicants may be approved as a kinship foster parent if 10 years have elapsed from the date of conviction. (23103937D-E)

SB 827 (Favola) (Reported from SEH) directs the Board of Health to amend its regulations to require every hospital with an emergency department to have at least one off-duty law-enforcement officer or a trained security officer present at all times. Hospital protocols shall ensure such officers providing security receive training in the use of weapons, defensive tactics, de-escalation techniques, appropriate physical restraint techniques, crisis intervention, and trauma-informed approaches in identifying and safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. (23105296D-S1)

HB 1792 (Ransone) (Passed House) / **SB 1302** (Deeds) (Passed Senate) clarifies that in the case where a mental or physical condition is a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition resulting from intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment, provided that certain conditions are met. (23101887D-E), (23105467D-S1)

SB 872 (Newman) (Passed Senate) requires magistrates to authorize alternative transportation if a person subject to an emergency custody order or temporary detention order is deemed to not be a danger to himself or others and appropriate alternative transportation is available. (23105273D-S1)

SB 820 (Favola) (Passed Senate) establishes the Virginia Opioid Use Reduction and Jail-Based Substance Use Disorder Treatment and Transition Fund to be administered by the Department of Criminal Justice Services for the purpose of funding and supporting the planning and implementation of locally administered jail-based addiction recovery and substance use disorder treatment and transition programs in local and regional jails. (23101234D)

SB 1414 (Pillion) (Passed Senate) establishes the Commonwealth Opioid Abatement and Remediation Fund to receive funds from a direct settlement, judgment, verdict, or other court order relating to consumer protection claims regarding the manufacturing, marketing, distribution, or sale of opioids or that are intended to be used for opioid abatement or remediation, excluding funds designated for transfer to the Opioid Abatement Authority and that shall be deposited by the Office of the Attorney General. Moneys in the Fund shall be administered by the Department of Health and shall be used solely for the purposes of efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the opioid epidemic, or for any other approved purposes described in a related settlement, judgment, verdict, or other court order. (23104608D-S1)

SB 1415 (Pillion) (Passed Senate) directs the Department of Health to create the Commonwealth Opioid Impact Reduction Registry consisting of nonprofit organizations that work to reduce the impact of opioids in the Commonwealth. The bill allows any person to possess and administer naloxone or other opioid antagonist used for overdose reversal other than naloxone in an injectable formulation with a hypodermic needle or syringe in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, provided that certain other conditions enumerated in current law are met. The bill removes training requirements related to the possession and administration of naloxone and directs the Department of Health, the Department of Behavioral Health and Developmental Services, and the Department of Corrections to collaborate to develop and implement a plan for the distribution of naloxone throughout the Commonwealth. The bill also directs the Department of Corrections to amend its regulations to require that training in the administration of naloxone be provided to every inmate prior to release. (23105909D-S1)

SB 923 (Favola) (Passed Senate) establishes the Kinship as Foster Care Prevention Program (the Program) to promote and support placements of children with relatives by local boards of social services (local boards) in order to avoid foster care. The bill provides that a child is eligible to participate in the Program if the local board determines that (i) the child is at imminent risk of being removed from his home and a preliminary protective order is insufficient to address the child's immediate safety concerns and (ii) the child's parent or guardian consents to the placement of the child with a relative pursuant to an agreement with the local board developed in accordance with the provisions of the bill. (23103800D)

HB 1906 (Hope) (HAPP) allows the Department for Aging and Rehabilitative Services to provide auxiliary grants to eligible recipients residing in independent community living, as defined in the bill, under conditions set forth in the bill. The bill directs the Department of Medical Assistance Services to, if deemed necessary, amend the state plan for medical assistance services and any waivers thereof to implement the provisions of the bill and limits to no more than 200 the number of auxiliary grant recipients in independent community living. The bill has a delayed effective date of January 1, 2024, and directs the Commissioner for Aging and Rehabilitative Services to adopt emergency regulations to implement its provisions. (23105420D-H1)

SB 1232 (Dunnavant) (Passed Senate) clarifies that the deaths of individuals who are or who were, immediately prior to admission to another hospital, receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services must be investigated by the Office of the Chief Medical Examiner, whether the death of such individual was expected or unexpected. The bill also requires that any report concerning the death of an individual who is receiving services or who, immediately prior to admission to another hospital, received services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services be delivered to the Commissioner of Behavioral Health and Developmental Services and to the State Inspector General. Current law only requires the delivery of autopsy reports. (23104712D-S1)

HB 1754 (Head) (House Floor) / **SB 1119** (Stuart) (Report from SEH) allows patients who have an established relationship with a practitioner who is a member of a health maintenance organization or multispecialty group to receive services from a practitioner who is a member of the same multispecialty group via telemedicine without undergoing another in-person exam within the specified time period and increases the specified time period from one year to three years. The bill increases from one year to three years the period during which psychologists and clinical social workers who are licensed outside the Commonwealth and who meet certain criteria may provide behavioral health services via telemedicine to a patient located in the Commonwealth. (23105193D-H1), (23105518D-S1)

HB 1711 (Bell) (House Floor) prohibits denial of parental access to the medical records of such parent's minor child, unless federal law requires the minor child's consent. (23103794D)

SB 1146 (Boysko) (Passed Senate) limits, in the context of early childhood care and education entities, the requirement for the implementation of policies for the possession and administration of epinephrine to child day centers. Under current law, such requirement applies to all early childhood care and education entities, which include child day centers, family day homes, and family day systems serving children younger than the age of five. The bill also requires the Board of Education to amend its regulations to require each family day home provider or at least one other caregiver employed by such provider in the family day home to be trained in the administration of epinephrine and to notify the parents of each child who receives care in such family day home whether the provider stores an appropriate weight-based dosage of epinephrine in the residence or home in which the family day home operates. (23101188D)

SB 1546 (Ebbin) (Reported from SEH) exempts from the Department of Agriculture and Consumer Services inspection and permit requirements to operate a food establishment any establishment or operation that has a restaurant license from the State Department of Health that supplies food to any school or day care center that has a restaurant license from the State Department of Health. (23105992D-S1)

Elections

SB 1180 (Ebbin) (SPE) provides that (i) the acceptance of technical assistance, research, or subject matter expertise regarding election law, policies, and administration by any state or local elections officials and (ii) the acceptance or use of money or grants given by a private individual or nongovernmental entity when such money or grant is received and disbursed by the treasurer for the locality or provided through the regular process for appropriating public funds are not prohibited under the general prohibition on the solicitation or acceptance by such officials of money, grants, property, or services given by a private individual or nongovernmental entity for the purpose of funding voting-related programs. (23104147D)

HB 2454 (Campbell) (HPE) requires the Department of Elections to conduct and complete voter list maintenance monthly using change of address information supplied by the United States Postal Service, except that such list maintenance will not be conducted during the 90 days prior to a federal primary or general election. Following any federal general election, the Department shall, within 30 days of such election, conduct and complete the list maintenance for the period beginning 90 days prior to the federal primary election through the date of the federal general election. The bill requires the Department to transmit the change of address information to the general registrars monthly and to include with such information the date on which it was received by the Department. (23104541D)

HB 1680 (Ransone) (HPE) requires any registration application used to register persons after the close of registration records, up to and including the day of an election, to require the applicant to affirm, subject to felony penalties for making false statements, that he is not intentionally voting more than once in the same election, whether in the same or a different jurisdiction, and that he is not intentionally registering to vote at more than one residence at the same time, both of which constitute the crime of election fraud and are punishable as a Class 6 felony. (23103314D)

Courts

HB 2015 (Adams) (HCT) provides that any person who, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing or intimidating in the discharge of his duty any judge, juror, witness, court officer, or court employee, pickets or parades in or near a residence occupied or used by such person is guilty of a Class 1 misdemeanor. The bill also provides that the provisions regarding the issuance and service of summons in place of a warrant do not apply to such violations. (23103542D)

SB 987 (Mason) (SFIN) requires the court to set up a schedule for periodic review hearings in the order of appointment of a guardian or conservator, unless the court makes a determination that such hearings are unnecessary or impracticable. The bill further provides that any periodic review hearing shall include the following assessments by the court: (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party. (23102563D)

SB 1291 (Deeds) (SJUD) provides that it is a Class 1 misdemeanor for any person to knowingly report, or cause another to report in reliance on intentionally false information provided by such person, a false emergency communication to any emergency personnel that results in an emergency response. The bill also provides that it is a Class 6 felony if such false emergency communication results in an emergency response during which and as a result of such emergency response any person suffers a serious bodily injury and a Class 5 felony if any person is killed. The bill authorizes any locality to provide by ordinance that a person convicted of such false emergency communication shall be liable for the reasonable expense in responding to such false emergency communication. The bill also requires the Secretary of Education, together with the Secretary of Public Safety and Homeland Security, to convene a work group for the purpose of establishing best practices, policies, and procedures for school personnel in the event of false information resulting in an emergency response at or near a school. (23103560D)

SB 1402 (Surovell) (SJUD) repeals the statute providing for the limitation on the dissemination of criminal history record information related to the possession of marijuana and the statute related to automatic sealing for mistaken identity or unauthorized use of identifying information. The bill also repeals the provisions related to the automatic and petition-based expungement of former marijuana offenses and instead provides for the sealing of such offenses. The bill also removes the provisions related to the automatic sealing of underage possession of alcohol offenses and instead provides for petition-based sealing of such offenses.

The bill creates an electronic, name-based criminal history record search to be used when an expungement or sealing petition is filed and requires the court to maintain a copy of a sealing order and send an electronic notification, rather than an order as current law requires, to the Department of State Police after an offense is sealed. The bill also allows courts and attorneys for the Commonwealth to access sealed records in instances where the court or parties failed to strictly comply with sealing procedures or an order for sealing was entered contrary to law and clarifies

that a petition for sealing can only include offenses that arose out of the same transaction or occurrence. The bill makes additional changes to the processes for expungement and sealing, including updates to the process of forwarding a petitioner's criminal history record to the court and maintaining expungement pleadings under seal. The bill provides a petition process by which the person who was charged with an offense that was ordered to be expunged may request access to such expunged court or police record.

The repeal of the statute related to the limitation on the dissemination of criminal history record information related to the possession of marijuana and various other provisions of the bill have a delayed effective date of the earlier of (i) the date on which the processes to seal criminal history record information and court records pursuant to Chapters 524 and 542 of the Acts of Assembly of 2021, Special Session I, become effective or (ii) July 1, 2025. This bill is a recommendation of the Virginia State Crime Commission. (23102885D)

Transportation

SB 1137 (McPike) (SFIN) creates the Fredericksburg Area Transportation Authority, comprising the counties and cities located in Planning District 16. The Authority will administer transportation funding generated through the imposition of (i) an additional transportation improvement grantor's fee at a rate of \$0.06 per \$100 of the consideration for the conveyance and (ii) a local transportation transient occupancy tax at a rate of one percent of the amount of the charge for the occupancy of any room or space occupied in any county or city in Planning District 16. The bill also increases the annual distribution of recordation tax revenues to cities and counties from \$20 million to \$55 million and dedicates \$15 million of such annual distribution to the Fredericksburg Area Transportation Fund, created by the bill. (23104217D)

HB 1858 (Webert) (HTRAN) directs the Commissioner of Highways to evaluate whether it is in the public interest for any roadway operated pursuant to the Virginia Highway Corporation Act of 1988 (HCA) to operate instead under the authority and requirements provided by the Public-Private Transportation Act of 1995 (PPTA). The bill authorizes the Commissioner, if he determines it is in the public interest for any such roadway to operate under the PPTA and if the Secretary of Transportation and the Transportation Public-Private Partnership Steering Committee concur, to negotiate and execute a new comprehensive agreement with the operator of such roadway to operate under the authority and requirements provided by the PPTA. The bill has an expiration date of January 1, 2025. (2310415D)

SB 1370 (Vogel) (SFIN) / **HB 1637** (Webert) (HCE) adds one project to the existing pilot program for underground transmission lines. The bill requires the State Corporation Commission to approve one additional application filed between January 1, 2023, and October 1, 2023, as a qualifying project to be constructed in whole or in part underground, as a part of the pilot program. The bill requires that the added qualifying project be a newly proposed 230-kilovolt line underground line and that (i) an engineering analysis demonstrates that it is technically feasible to place the proposed line, in whole or in part, underground; (ii) the governing body of each locality in which a portion of the proposed line will be placed underground indicates, by resolution, general community

support for the project and that the governing body supports the transmission line to be placed underground; (iii) a project has been filed with the Commission or is pending issuance of a certificate of public convenience and necessity by October 1, 2023; (iv) the estimated additional cost of placing the proposed line, in whole or in part, underground does not exceed \$40 million or, if greater than \$40 million, the cost does not exceed 2.5 times the cost of placing the same line overhead, assuming accepted industry standards for undergrounding to ensure safety and reliability; if the public utility, the affected localities, and the Commission agree, a proposed underground line whose cost exceeds 2.5 times the cost of placing the line overhead may also be accepted into the pilot program; (v) the public utility requests that the project be considered as a qualifying project under the pilot program; and (vi) the primary need of the project is for purposes of grid reliability or grid resiliency or to support economic development priorities of the Commonwealth, including the economic development priorities and the comprehensive plan of the governing body of the locality in which at least a portion of line will be placed, and not to address aging assets that would have otherwise been replaced in due course. (23101426D), (23100154D)

HB 1437 (Wiley) (HTRAN) / **SB 1165** (Lewis) (HTRAN) provides that the authority of the Commonwealth Transportation Board to make regulations for the use of systems of state highways includes authorizing the use of such highways for public safety purposes and the use of devices on such highways for public safety purposes whether related or unrelated to transportation safety. The bill requires any regulation authorizing the use in the system of state highways of a device for public safety purposes that records and stores videos or images to require that all data collected by such device be purged and not retained later than 30 days after collection unless such data is being used in an active law-enforcement investigation. (23102005D), (23102332D)

HB 2330 (McQuinn) (HCT) makes it a Class 1 misdemeanor for a person to commit a battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties. The bill requires the sentence of such person, upon conviction, to include a term of confinement of 15 days in jail, two days of which is a mandatory minimum. (23103484D)

Firearms

SB 1181 (Ebbin) (SFIN) creates a Class 1 misdemeanor, which is punishable as a Class 4 felony for a second or subsequent offense, for any person to knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, as defined in the bill, unless the party selling, offering to sell, transferring, or purchasing the unfinished frame or receiver is a federal firearms importer, manufacturer, or dealer or the unfinished frame or receiver is required by federal law to be, and has been, imprinted with a serial number by a federal firearms importer, manufacturer, or dealer. (23104048D)

Education

SB 821 (Surovell) (Reported from SEH) requires each division superintendent to identify, update as necessary, and make available to the Department of Education and to other appropriate individuals a fax number, an email address, and a mailing address at which the division

superintendent will receive the reports required to be transmitted pursuant to relevant law from (i) every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state and (ii) the clerk of any circuit court or any district court in the Commonwealth upon the conviction of a Board of Education-licensed school employee for certain enumerated felonies. The bill requires the Department to compile and make publicly available on its website a list of such fax numbers, email addresses, and mailing addresses. The bill also requires all such arresting officials or agencies and all such clerks to transmit the required reports via certified mail, return receipt requested, or to the identified fax numbers and email addresses. The bill finally requires, until July 1, 2027, all such arresting officials or agencies request in writing that the Virginia Employment Commission provide the name of the current employer of each arrested person for purposes of determining whether such notice is required. (23100637D)

SB 1099 (Norment) (SEH) provides that matching grants from the School Resource Officer Incentive Grants Fund may be awarded to local law-enforcement agencies and local school boards for the expenses related to the equipment necessary for uniformed school resource officers, school security officers, and other relevant school safety personnel and the enhancement of the school-law enforcement partnership through training and programming as determined by the Department. (23101308D)

Administration of Government

HB 1487 (March) (HCCT) requires localities to provide a live video broadcast of public meetings of the local governing body and to archive such broadcasts on their websites. (23100033D)

Land Use

SB 1390 (Lewis) (SLG) extends to July 1, 2026, the sunset date for various local land use approvals for solar photovoltaic projects that were valid and outstanding as of July 1, 2023. (23103968D)

Building Code

SB 1263 (Hackworth) (SGL) / **HB 2312** (Head) (HGL) defines stop work orders for the purposes of the Uniform Statewide Building Code. The bill provides that if, during an appeal pursuant to the provisions of the Administrative Process Act of the State Building Code Technical Review Board's decision with respect to the issuance of a stop work order by a local building official, the court finds in favor of the party that was issued the stop work order, such party shall be entitled to recover its actual costs of litigation, including court costs, attorney fees, and witness fees, from the locality responsible for issuing the stop work order. The bill contains technical edits. (23104259D), (23104240D)

SB 1305 (Hanger) (Passed Senate) requires farm buildings and structures where the public is invited to enter and that are used for storage, handling, production, display, sampling, or sale of

agricultural, horticultural, floricultural, or silvicultural products produced on the farm and that are exempt from the Uniform Statewide Building Code (the building code) to have (i) portable fire extinguishers, (ii) a simple written plan in case of an emergency, and (iii) a sign posted in a conspicuous place upon entry that states that the building is exempt from the provisions of the building code. The bill also directs the Agritourism Event Structure Technical Advisory Committee to meet at least four times between the 2023 and 2024 Regular Sessions of the General Assembly and provides guidance to the Committee for topics on fire safety and the welfare of the general public to consider. (23105090D-S1)

Public Safety/Criminal Justice

HB 1607 (Tata) (HCCT) permits any locality to adopt an ordinance that establishes a uniform schedule of civil penalties for violations of ordinances. The bill provides that the civil penalty, unless elsewhere authorized, shall not exceed (i) \$500 for the initial summons, (ii) \$1,000 for the second violation, or (iii) \$1,500 for the third or subsequent violation. The bill further provides that a locality that has charged an individual criminally under the ordinance may also issue summonses for civil penalties for continued or additional violations of the ordinance. (23103077D)

HB 2344 (Head) (HHWI) / **SB 1421** (Pillion) (SRSS) removes the requirement that the adult protective services hotline immediately refer certain reports of alleged adult abuse, neglect, or exploitation to the appropriate local law-enforcement agency and removes the duty of local law-enforcement agencies to provide the adult protective services hotline with a preferred point of contact for such referrals. The bill retains the requirement for the local department of social services to immediately refer such reports to the appropriate local law-enforcement agency and the duty of local law-enforcement agencies to provide local departments of social services with a preferred point of contact for such referrals. (23100952D), (23100951D)

SB 1379 (Deeds) (SRSS) waives sovereign immunity for health care providers employed by localities or by local or regional correctional facilities to provide medical services to prisoners for a claim of wrongful death or injury resulting from a negligent or wrongful act or omission in the provision of such medical services. This bill is in response to *Patterson v. City of Danville*, 875 Va. S.E.2d 65 (2022). (23100123D)

Taxation

HB 1863 (Scott) (HFIN) makes numerous changes to the Commonwealth's tax structure with the intention of eliminating the personal income tax. The bill provides that beginning January 1, 2025, all income tax rates shall be reduced by 1.15 percent each year that a tax reduction condition, defined in the bill, is met. Under the bill, tax rate reductions shall occur each year and shall be cumulative until reaching zero. The tax reduction condition would be met and the tax rate reduction would occur in any fiscal year that the amount of general fund revenues collected plus the amount of additional general fund revenues, defined in the bill, is greater than or equal to the amount of general fund appropriations made for such fiscal year plus the amount of revenue reduction that would result from a 1.15 percent reduction in the individual income tax rate.

Additional general fund revenues are defined in the bill as general fund revenues that would be generated as a result of the tax policy changes resulting from the bill. The bill would increase the sales and use tax rate to 5.3 percent beginning July 1, 2024, and would increase this rate by one percent each year until reaching 9.3 percent beginning July 1, 2028. The bill would increase the tax on cigarettes by three cents per cigarette and would double the statutory tax rate on tobacco products, with the revenues from such taxes to be deposited in the general fund. The motor vehicle sales and use tax rate would be increased by one percent beginning July 1, 2024, and would increase by one percent each year until reaching an additional five percent over current rates beginning July 1, 2028. The motor fuels tax would also be increased by five cents per gallon beginning July 1, 2024, with additional five cents per gallon increases until reaching an additional 25 cents per gallon beginning July 1, 2028. The bill requires all additional revenue generated by such tax increases to be deposited in the general fund.

Finally, the bill directs the Secretary of Finance to convene a workgroup to recommend additional tax policy changes that would be needed to eliminate personal income tax liability. (23100231D)

Zoning

HB 1473 (Fowler) (HCCT) alters the notice requirements related to local government adoption of land use plans and zoning ordinances by no longer requiring the notice to contain a descriptive summary of the proposed action but continues to require the locality to identify in the notice the place or places within the locality where copies of the proposed plans, ordinances, or amendments may be examined. Furthermore, such notice must include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. With regard to notice of proposed zoning actions, the bill also (i) removes the requirement to state general usage and density of the proposed zoning action and (ii) eliminates the requirement for an extra public hearing when land is zoned to a more intensive use classification than was contained in the previous public notice. (23103081D)

SB 1141 (McPike) (Passed Senate) / **HB 2047** (Carr) (House: Subcommittee recommends laying on the table) authorizes any locality in the Commonwealth to provide for an affordable housing dwelling unit program by amending the zoning ordinance of such locality. Current law restricts such authorization to counties with an urban county executive form of government or county manager plan of government and certain other localities. (23105882D-S1), (23101358D)

Environment

HB 2284 (Wiley) (Reported from HHWI) removes from the membership of the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals a faculty member of a public institution of higher education in the Commonwealth whose principal field of teaching is management or operation of waterworks or wastewater works and adds to the Board's membership a local or regional representative of the Department of Health. (23101257D)

Legislation Provided for Information

General Assembly

SB 1352 (Norment) (SRUL) prohibits any member of the General Assembly or any member of his immediate family from holding a direct or indirect ownership interest in a casino gaming establishment or retail marijuana store or in any entity that sells or distributes on the premises of such establishment or store any goods or services that are incidental or ancillary to the principal business of the establishment or store. Such prohibition shall apply during the legislator's service as a legislator and for the five years immediately following the termination of such service. The bill provides that any person who violates the prohibition is guilty of a Class 6 felony and that any money or thing of value derived by the legislator from such violation is forfeited to the Commonwealth. (23104148D)

SB 1357 (Norment) (SRUL) grants the Capitol Square Preservation Council the authority to review and approve all plans or proposals for alterations, improvements, additions, or renovations to, or other disposition of, any monuments, statuary, artwork, or other historical artifacts contained within the Capitol Building, including within the old and new Senate chambers, the old and new halls of the House of Delegates, and the Rotunda. (23101219D)

Elections

SB 946 (Suetterlein) (SPE) prohibits campaign fundraising on any day the General Assembly is scheduled to meet during a special session. Currently, campaign fundraising is prohibited only during regular sessions of the General Assembly. (23102721D)

SB 1471 (Boysko) (SFIN) prohibits any person from converting contributions to a candidate or his campaign committee for personal use. Current law only prohibits such conversion of contributions with regard to disbursement of surplus funds at the dissolution of a campaign or political committee. The bill provides that a contribution is considered to have been converted to personal use if the contribution, in whole or in part, is used to fulfill any commitment, obligation, or expense that would exist irrespective of the person's seeking, holding, or maintaining public office but allows a contribution to be used for the ordinary and accepted expenses related to campaigning for or holding elective office, including the use of campaign funds to pay for the candidate's child care expenses that are incurred as a direct result of campaign activity. The bill provides that any person subject to the personal use ban may request an advisory opinion from the State Board of Elections on such matters. The bill directs the State Board of Elections to adopt emergency regulations to implement the provisions of the bill and to provide an updated summary of Virginia campaign finance law that reflects the State Board of Elections' and Attorney General's guidance on the provisions of such law that prohibit the personal use of campaign funds and any new regulations promulgated by the State Board of Elections. (23104251D)

SB 1053 (McPike) (Passed Senate) requires all candidates to file their campaign finance reports electronically with the State Board of Elections. The bill provides an exemption for any candidate who is incapable of accessing the technology necessary to make such filings. (23101956D)

SB 1427 (Suetterlein) (SPE) requires in-state political action committees to file a report for any single expenditure of \$1,000 or more made between October 1 and the date of the November general election. Such reports are to be made electronically and must be received by the State Board of Elections by 11:59 p.m. on the following day or, for an expenditure made on a Saturday, by 11:59 p.m. on the following Monday. However, the bill requires that any such expenditure made within the 24 hours prior to the election day be reported and a report thereof received on the day prior to the election (23102732D)

HB 1518 (Adams) (HRUL) requires each member of the General Assembly to annually submit a certification of his legal residence to the clerk of the house in which he serves, signed by the member under penalty of perjury to be true and correct. The bill requires the clerk of each house to verify that the address provided on the certification is within the district that the member was most recently elected to represent. Any member who is found to not be a resident of the district that he was most recently elected to represent shall, in accordance with Article IV, Section 4 of the Constitution of Virginia, vacate his office. (23101939D)

Health and Human Services

SB 1327 (McClellan) (SEH) directs the Department of Medical Assistance Services to establish a program to provide state-funded comprehensive health care coverage for individuals in the Commonwealth who (i) are under 19 years of age, (ii) are not covered under a group health plan or health insurance coverage, and (iii) but for their immigration status would be eligible for medical assistance services through the Commonwealth's program of medical assistance services established pursuant to Title XIX or XXI of the Social Security Act. The bill also requires the Department to ensure that all program information is made available in a manner that is accessible to individuals with limited English proficiency and individuals with disabilities through the provision of language access services, including oral interpretation and written translations, free of charge, and to ensure that information obtained by the program remains confidential and is not disclosed for any purpose not related to the administration of the program. (23102538D)

SB 932 (Hashmi) (SEH) establishes the Virginia Psilocybin Advisory Board to develop a long-term strategic plan for establishing therapeutic access to psilocybin services and monitor and study federal laws, regulations, and policies regarding psilocybin. The bill requires the Board to report annually by December 1 to the Governor and the General Assembly regarding its activities and recommendations. The bill reclassifies psilocybin under the Drug Control Act from a Schedule I to a Schedule III controlled substance. (23101994D)

SB 1234 (Cosgrove) (Passed Senate) requires the Department of Behavioral Health and Developmental Services to establish a pilot program to make electroencephalogram combined transcranial magnetic stimulation available for veterans, first responders, and law-enforcement officers. The bill requires the State Board of Behavioral Health and Developmental Services to establish regulations for the pilot program. (23105211D-S1)

SB 1344 (Barker) (Passed Senate) allows the City of Alexandria to enter into a contract with the Department of Health for the local administration of local health services. (23104580D-S1)

HB 1450 (Orrock) (Reported from HHWI) / **SB 798** (Hashmi) (Passed Senate) replaces various instances of the terms "handicap," "handicapped," and similar variations throughout the Code of Virginia with alternative terms, as appropriate in the statutory context, such as "disability" and "impairment." The bill contains technical amendments. The bill is a recommendation of the Virginia Disability Commission. (HHWI Amendments), (23100009D-E)

HB 2008 (Adams) (House Floor) directs the Department of Health to convene a work group to study and make recommendations for reducing the occurrence and impact of tick-borne diseases in the Commonwealth. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2023. (23101717D)

Covid-19 Vaccination

HB 2306 (Freitas) (House Floor) exempts a person, including a parent or guardian on behalf of a child, who objects to administration of a vaccine on religious grounds from mandatory immunization requirements issued by the Commissioner of Health during an epidemic. Currently, exemption from mandatory immunization requirements during an epidemic is available only to those persons to whose health the administration of the vaccine would be detrimental, as certified in writing by a licensed physician. (HHWI Amendments)

HB 2096 (Bulova) (HAG) removes the provision in current law that prohibits the movement, transportation, delivery, shipment, or offering for shipment of any noxious weed into or within the Commonwealth without a permit from the Commissioner of Agriculture and Consumer Services and grants the Board of Agriculture and Consumer Services the authority to adopt regulations governing the conditions under which a permit will be required for such actions. The bill also adds requirements related to invasive plant species, including directing the Department of Conservation and Recreation to create an invasive plant species list and update it quadrennially. (23103916D)

Public Safety/Criminal Justice

SB 797 (Favola) (Passed Senate) increases from nine members to 11 members the State Board of Local and Regional Jails by requiring (i) the appointment of both a former sheriff and a former superintendent of a regional jail facility where current law requires appointment of only one former sheriff or one former warden, superintendent, administrator, or operations manager of a state or local correctional facility and (ii) the appointment of an additional member who is employed by a public mental health services agency with training in or clinical, managerial, or other relevant experience working with individuals subject to the criminal justice system who have mental illness. (23100944D)

HB 1380 (Campbell) (HCT) removes the provisions that provide that no law-enforcement officer may lawfully stop a motor vehicle for operating (i) without a light illuminating a license plate, (ii) with defective and unsafe equipment, (iii) without brake lights or a high mount stop light, (iv) without an exhaust system that prevents excessive or unusual levels of noise, (v) with certain sun-

shading materials and tinting films, and (vi) with certain objects suspended in the vehicle, and the accompanying the exclusionary provisions. (23104498D-H1)

ABC licenses

SB 1100 (Boysko) (Passed Senate) allows mixed beverage carrier licenses to be granted to financial institutions, subsidiaries of a financial institution, and certain persons under contract with a financial institution or subsidiary that are operating a lounge for air carrier passengers located within an airport in the Commonwealth, which would authorize the licensee to sell and serve mixed beverages in designated areas of such passenger lounge. The bill has an emergency clause. (23100944D)

Transportation

HB 1495 (Austin) (Passed House) / **SB 1216** (Lucas) (Passed Senate) removes the requirement that transportation network companies (TNCs) maintain uninsured and underinsured motorist coverage at a minimum of \$1 million. The bill requires TNCs to maintain the same minimum uninsured and underinsured motorist coverage as is currently required by law for all motorists of \$30,000 for bodily injury per person, \$60,000 for bodily injury per accident, and \$20,000 for property damage. The bill repeals expired provisions related to TNC insurance coverage. (23103953D-H1), (23102185D)

HB 1932 (Runion) (Reported from HTRAN) / **SB 982** (Marsden) (Passed Senate) requires drivers to make a lane change or reduce speed when passing stationary vehicles that have activated the vehicular hazard warning signal flashers, displayed caution signs, or been marked with properly lit flares or torches on certain highways when safe and reasonable to do so, and makes a violation of this requirement a traffic infraction. (23102790D), (23102033D)

HB 1955 (Krizek) (Reported from HTRAN) extends from 10 days to 30 business days the deadline for issuing a summons for an alleged violation of passing a stopped school bus in order for proof that the motor vehicle passed a stopped school bus and that the defendant was the registered owner of the vehicle to give rise to a rebuttable presumption that the owner of the vehicle was the operator during the violation. (23101852D)

HB 2034 (Sewell) (HTRAN) directs the Commonwealth Transportation Board to invite the National Capital Region Transportation Planning Board (NCRTPB) to participate in and present information at the joint transportation meeting held annually concerning projects in Planning District 8. The bill clarifies that the NCRTPB is not required to participate in the meeting. The bill requires the meeting to be made available online in a manner that allows the public to contemporaneously view and hear the meeting. (23103186D)

HB 2104 (Bourne) (Passed House). the bill increases the default boundaries of a school crossing zone from 600 feet to 750 feet from the limits of school. (23104701D-H1)

HB 2254 (Sickles) (Passed House) requires the Department of Motor Vehicles to establish and administer a process whereby a vehicle owner may contest an assessed highway use fee. The bill

requires the Department to reimburse the vehicle owner for any contested highway use fee or portion thereof that was incorrectly collected. (23100711D)

HB 2423 (Austin) (House Floor) / **SB 981** (Marsden) (STRAN) authorizes vehicles operated by the Response and Recovery Coordination Branch of the Washington Metropolitan Area Transit Authority's Office of Emergency Preparedness to (i) be equipped with flashing, blinking, or alternating red or red and white combination warning lights and (ii) disregard certain regulations regarding the operation of vehicles without being subject to criminal prosecution while responding to an emergency. The bill adds responding to metropolitan transit-related incidents to the list of circumstances in which such lighted warning lights shall be displayed. (23104732D), (23101698D)

SB 1051 (McPike) (STRAN) allows public utility company service vehicles to be left temporarily on private property without the consent of the property owner while utility service or maintenance is being conducted by an employee of the company on the property. The bill prohibits removal or towing of such vehicle for a period of 72 hours. (23102737D)

SB 1473 (Marsden) (STRAN) authorizes toll facility operators to obtain from the Department of Motor Vehicles the email address or other electronic address of the owner of a vehicle that failed to pay a toll. Existing provisions require an invoice for an unpaid toll to be sent by first-class mail. The bill contains technical amendments. (23104289D)

HB 1712 (Wachsmann) (HTRAN) expands the prohibition on damaging or removing traffic control devices or street signs, punishable as a Class 1 misdemeanor, to include damaging or removing temporary signs approved by the Department of Transportation warning motorists that work is in progress on or adjacent to the highway or that certain vehicles may be entering the highway. (23101688D)

SB 855 (Spruill) (Passed Senate) prohibits the use of headlights on motor vehicles, motorcycles, autocycles, bicycles, electric personal assistive mobility devices, personal delivery devices, electric power-assisted bicycles, mopeds, and motorized skateboards or scooters with aftermarket modifications that make the color of such lights appear blue. (23101439D-E)

SB 1035 (McPike) (STRAN) designates bridges with a general condition rating, defined in the bill, of five or less for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for the implementation of improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill changes the funding distribution standard from equitable needs-based distribution, with percentage limits for a given district and a process to exceed such limits when necessary, to needs-based distribution of funding among the highway construction districts. The bill has a delayed effective date of June 1, 2024. (23101954D)

SB 1398 (Surovell) (STRAN) requires the Department of Motor Vehicles to collect and disseminate, on an annual basis, statewide and locality-level data related to driving under the influence of alcohol, drugs, or a combination thereof. The bill requires the Department of Motor Vehicles to submit an annual report on the data collected on or before October 1 to the General

Assembly, the Governor, and the Virginia State Crime Commission and to make such data available to the public on the website of the Department. The bill provides that the Department of Motor Vehicles shall not be required to submit the first annual report prior to October 1, 2024, and that the first annual report shall include data from calendar year 2019 through calendar year 2023. This bill is a recommendation of the Virginia State Crime Commission. (23104303D)

Courts

SB 1303 (Boysko) (SJUD) provides that a defendant with a disorder or disability, as defined in the bill, may file a petition that requests the sealing of the criminal history record information and court records of a Class 4 felony conviction or deferred and dismissed disposition. Under current law, Class 4 felony convictions or deferred and dismissed dispositions are ineligible to be sealed. The bill also provides that when a conviction or deferral and dismissal has been sealed, the defendant of such sealed record is a defendant with a disorder or disability, and the Governor granted the defendant a simple pardon for the commission of the crime or offense that was sealed, such conviction or deferral and dismissal shall be considered to be otherwise dismissed for purposes of expungement. (23104302D)

SB 1413 (Norment) (SJUD) provides that where a civil claim is filed arising out of or relating to charges where a petition for the expungement of police and court records for such charges is pending or where the records have been expunged, any party to the civil claim may file a motion in the court in which the civil claim is pending, or in the court where the petition for the expungement was or is pending, for the release of the expunged records for use in the civil litigation, and, upon motion and for good cause shown, such police and court records shall be ordered to be released and the relevant penalties relating to disclosure of such expunged records shall not apply. (23100363D)

HB 1897 (Bell) (HCT) provides that if a petitioner files a written motion requesting a hearing to extend a permanent protective order, the court may extend the protective order until the extension hearing or for an additional period not to exceed six months if the respondent fails to appear at the extension hearing because the respondent was not personally served with such motion. The bill also provides that the respondent may file a written motion for a continuance of the extension hearing, and the court may, for good cause shown, continue the extension hearing and such protective order shall remain in effect until the extension hearing.

The bill also provides that when a temporary protective order has been issued, the court may continue the full hearing of the protective order upon the motion of the petitioner and for good cause shown. Under current law, only the respondent may file a motion to continue the hearing. Additionally, the bill provides that in cases of family abuse where the court orders a permanent protective order, the court may also award other monetary relief or financial support to the petitioner for the protection of the petitioner and any other family or household member of the petitioner. (23103914D)

Education

HB 2225 (Batten) (Passed House, SEH) requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. (23101177D)

HB 2426 (Freitas) (House Floor) prohibits any school board, public elementary or secondary school, including any joint or regional school, or employee or agent of such school board or school, including any division superintendent or school principal, from withholding from any pupil or the pupil's parent any information that is transmitted solely to such school board, school, employee, or agent and that (i) relates to any recognition, award, or postsecondary scholarship eligibility earned by the student, including any such recognition, award, or eligibility earned as the result of the student's achievement on the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination, or (ii) may affect the student's admission to an institution of higher education. The bill requires all such information to be transmitted to the pupil and the pupil's parent as soon as practicable after receipt of the information. (23104593D-E)

HB 1629 (Cpyner) (Passed House, SEH) requires the Board of Education, on or before July 1, 2024, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) restricts user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. (23104641D-H1)

SB 1253 (Dunnivant) (Passed Senate) requires each school board to provide teachers, parents, principals, and other school leaders with their students' results on any Standards of Learning assessment or Virginia Alternate Assessment Program assessment as soon as practicable after the assessment is administered. (23101178D)

SB 1329 (McClellan) (SFIN) requires the Board of Education, on or before July 1, 2024, to create and maintain the Virginia Parent Data Portal that, among other things, (i) displays individualized student assessment data on all state-supported assessments, as that term is defined in the bill, (a) in a format that shows both current and cumulative data over time and (b) within 45 days of a state-supported assessment window closing for each state-supported assessment; (ii) provides a description of the purpose of each state-supported assessment, an explanation of how to interpret student data on each state-supported assessment, and a comparison of a student's performance on

each state-supported assessment with the performance of the student's school, the student's school division, and the Commonwealth; (iii) is viewable from a mobile device in addition to a desktop computer; and (iv) restricts user access to students and their parents. The bill requires the Board and the Department of Education to provide certain guidance and technical assistance to local school divisions on professional development for principals and teachers in parent engagement on and interpretation of student assessment data available through the Portal and requires each school board to annually provide high-quality professional development to principals and teachers on such topics. (23104710D-S1)

Study

SJ 246 (Boysko) (Senate Floor) requests the Department of Education to study options for and the feasibility of expanding the criteria for granting a waiver of teacher licensure requirements for certain hard-to-fill educator positions, such as advanced or specialized science, technology, engineering, and mathematics (STEM) and computer science classes. In conducting its study, the Department shall (i) review the current law on granting a waiver of teacher licensure requirements; (ii) consider options for expanding the criteria for granting a waiver of teacher licensure requirements, with a focus on removing barriers to employing individuals to teach hard-to-fill elective and non-core courses, such as advanced or specialized STEM and computer science classes; and (iii) make recommendations on policies for granting a waiver of teacher licensure requirements, including amendments to the current law or pertinent regulations. (23103183D)

Environment

SB 1333 (Hashmi) (Senate Floor) creates a program within the Department of Energy's Division of Renewable Energy and Energy Efficiency to be known as the Commonwealth Solar and Economic Development Program. The Division shall be in charge of initiating and implementing any of certain enumerated solar or economic development projects within any eligible census tract specified in the bill. The bill also requires the Division to apply for funding from certain funding sources as each relates to any initiated project. (23104715D-ES1)

SB 1332 (McClellan) (Passed Senate) requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth. The bill codifies Executive Order 82 (2021). (23104150D-E)

SB 1187 (Lewis) (Passed Senate) requires localities to consider strategies to address resilience in their comprehensive plans. (23102509D)

Administration of Government

SB 1455 (Norment) (Passed Senate) enables the chief law-enforcement officer of a locality to enact a curfew under certain circumstances during a civil disturbance. The bill requires that such action specify the hours of the curfew and the geographic area to which the curfew applies and provide for various specified exceptions. The action authorizing the curfew shall provide for reasonable efforts to inform the public in advance of the curfew, which shall be valid for no more than 24 hours. The bill provides that such curfew shall not be extended or renewed unless by recorded vote of the local governing body or by judicial order. The bill provides that any violation is a Class 1 misdemeanor. (23102509D)